IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36599 of 2007(F)

PETITIONER:

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1. C.JOSEPH EDAWARD,
   LECTURER.ST.ALOYIOUS COLLEGE, EDATHUA
   (SELECTION GRADE) RESIDING AT CHERUKAD HOUSE
   EDATHUA PO, ALAPPUZHA DIST.

2. K.V.MARY,W/O.C.JOSEPH EDAWARD,
   LECTURER.ST.ALOYIOUS COLLEGE, EDATHUA
   RESIDING AT DO...DO...

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. THE KERALA FINANCIAL CORPORATION
   REPRESENTED BY ITS MANAGING DIRECTOR
   HEAD OFFICE, VELLAYAMBALAM
   THIRUVANANTHAPURAM.

2. THE BRANCH MANAGER, KFC, ALAPPUZHA

3. THE DEPUTY TAHSILDAR, (RR)
   K.F.C.ALAPPUZHA.

4. THE PRINCIPAL .ST.ALOSIUS COLLEGE
   EDATHUA, ALAPPUZHA DIST.

BY SRI. ADV. V.B. UNNIRAJ, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 36599 of 2007

Dated this the 11th December, 2007

J U D G M E N T

Petitioners' are the co-obligants for a loan availed by mother of the 1st petitioner for starting a tourist hotel under the name and style of “Kuttanad Lake Resort” in Alappuzha District. The loan amount was Rs.13.28 lakhs. Apparently, the total amount now due is approximately Rs.45 lakhs. An application for One Time Settlement Scheme was originally considered by the Corporation and Exhibit-P2 communication was issued in this regard. It seems that at that time, the petitioner had remitted an amount of Rs. 4,55,000/- for the purpose of availing a consideration under the One Time Settlement Scheme. Petitioners' were not willing to accept Exhibit-P3 which intimated the Corporation's willingness to close the loan account by waiving an amount of Rs.1,94,500/-. Recovery steps have now been initiated. There is an order of attachment of salary drawn by the petitioners, as evidenced by Exhibits P5 and P5 9(a). In the meanwhile, a new One Time Settlement Scheme has been floated by the Corporation which is to expire by 31.12.2007. Petitioners' were also given an opportunity to avail of the facility under the said one time settlement scheme, as evidenced by

Exhibit-P6. Petitioners' have filed an application in this regard under Exhibit-P7. Learned standing counsel for the Corporation Sri. V.B. Unniraj submits that petitioners' application may be considered afresh de hors the decision taken under Exhibit-P3.

After having heard the learned counsel for the petitioner and the learned standing counsel for the Corporation, this writ petition is disposed of directing the 1st respondent to consider Exhibit-P7 application under the One Time Settlement Scheme in response to Exhibit-P6 and take a decision thereon within two months from the date of receipt of a copy of this judgment. It shall be on condition that the petitioners shall remit an amount of Rs.4,42,555/- as demanded under Exhibit-P6 on or before 31.12.2007. Enforcement of Exhibits P5 and P5 (a) shall be kept in abeyance pending a decision by the 1st respondent in the manner aforementioned. It is made clear that further enforcement of Exhibits P5 and P5 (a) shall depend upon the decision to be taken by the 1st respondent, as directed above.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007